

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CIVIL NO. 5:21-CV-00175-KDB-DCK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
APPROXIMATELY \$27,300.00 IN U.S.))
CURRENCY seized from Blanca)
Guardado on or about July 14, 2021, in)
Catawba County, North Carolina,)
)
Defendant.)

ORDER OF DEFAULT JUDGMENT OF FORFEITURE

This matter is before the Court on the Government’s motion for default judgment as to the \$27,300.00 in U.S. Currency (“the Defendant Currency”) identified in the Verified Complaint, other than Blanca Guardado, whose claim to has been resolved pursuant to the terms of a settlement agreement entered into between the Government and Ms. Guardado. (*See* Doc. 7-1). For the reasons set forth below, the Court GRANTS the Government’s motion.

On December 6, 2021, the Government filed a verified Complaint for Forfeiture *in Rem*, alleging that the Defendant Currency seized from Ms. Guardado on or about July 14, 2021, is subject to civil forfeiture under 21 U.S.C. § 881(a)(6).

(Doc. 1). On December 6, 2021, the Clerk issued a Warrant of Arrest *in Rem* for the Defendant Currency. (Doc. 2).

After the Government filed its Complaint, and in accordance with Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Government provided direct notice of this action to known potential claimants. Specifically, on December 9, 2021, the Government mailed notice and a copy of the Complaint to Ms. Guardado, Victor Morocho-Rodriguez, and attorney James Hawes. Additionally, in accordance with Supplemental Rule G(4)(a), the Government provided notice by publication as to all persons with potential claims to the Defendant Currency by publishing notice via www.forfeiture.gov for 30 consecutive days, beginning on January 5, 2022. (Doc. 5).

The Court therefore finds that the Government has taken reasonable steps to provide notice to known potential claimants, and the Government has otherwise complied with the notice requirements set forth in Supplemental Rule G(4). During the pendency of this action, no individual or entity other than Ms. Guardado has made a claim to the Defendant Currency. Accordingly, on March 11, 2022, the Government filed a motion for entry of default (Doc. 6) and on March 14, 2022, the Clerk entered default. (Doc. 7).

Pursuant to Fed. R. Civ. P. 55(b)(2), the Government has now requested that the Court enter a Default Judgment of Forfeiture as to all persons and entities with respect to the Defendant Currency, other than Ms. Guardado, whose claim was resolved pursuant to the terms of a settlement agreement. *See United States v. 15 Trimont Lake Road*, No. 2:10-cv-16, 2011 WL 309921 (W.D.N.C. Jan. 28, 2011) (entering Default Judgment of Forfeiture as to all other persons and entities when a claimant entered into settlement agreement).

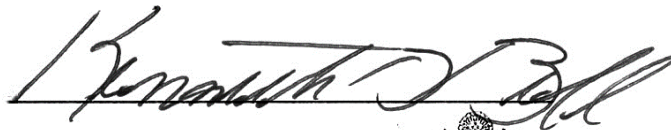
As discussed above, the Court finds that the Government's motion should be granted. Accordingly, the Court hereby ORDERS that:

1. The Government's Motion for Default Judgment of Forfeiture is GRANTED, and judgment is entered in favor of the United States against all persons and entities with respect to the Defendant Currency other than Ms. Guardado, whose claim to the Defendant Currency was resolved pursuant to the terms of a settlement agreement.

2. It is FURTHER, ORDERED, ADJUDGED, AND DECREED that with the exception of the amount to be returned to Ms. Guardado under the terms of the settlement agreement, any right, title and interest of all other persons and entities to the Defendant Currency is hereby forfeited to the United States, and no other right, title, or interest shall exist.

3. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States Marshal is hereby directed to dispose of the Defendant Currency as provided by law, consistent with the terms of the settlement agreement with Ms. Guardado.

Signed: April 1, 2022

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

